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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendments to Parts 1, 2, 27 and 90 of the) WT Docket No. 02-8
Commission's Rules to License Services in the) RM-9267
216-220 MHz, 1390-1395 MHz, 1427-1429) RM-9692
MHz, 1429-1432 MHz, 1432-1435 MHz,) RM-9797
1670-1675 MHz, and 2385-2390 MHz) RM-9854
Government Transfer Bands) RM-9882

To: The Commission

COMMENTS ON ITRON PETITION FOR RECONSIDERATION

Final Analysis Communication Services, Inc., ("FACS"), by its attorneys, respectfully submits these Comments on the Petition for Reconsideration filed in this proceeding on July 22, 2002 by Itron, Inc. ("Itron Petition"). FACS, a licensee in the Non-Voice Non-Geostationary Mobile Satellite Service ("NVNG MSS or "Little LEO"),¹ filed its own Petition for Clarification in this same proceeding. ("FACS Petition").

The Itron Petition seeks reconsideration of that portion of the *Service Rules Order*² which allocates frequencies in the 1427-1429.5 and 1429.5-1432 MHz bands on a shared basis. Itron asserts that a shared allocation is in consistent with utility telemetry operations that rely upon spontaneous and intermittent communications to and from "tens of thousands of telecommand stations situated on utility poles," and that sharing with other utility telemetry operators will be

¹ Final Analysis Communication Services, Inc., *Order and Authorization*, 13 FCC Rcd. 6618 (Int'l Bur. 1998); Memorandum Opinion and Order, FCC 001-343 (rel. Dec. 3, 2001).

² Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz and 2385-2390 MHz Government Transfer Bands, WT Docket No. 02-8, *Report and Order*, FCC-02-152 (rel. May 24, 2002), 67 Fed. Reg. 41,847 (June 20, 2002) ("*Service Rules Order*").

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“impracticable if not impossible.”³ Itron indicates that it will seek authority to operate its systems on a primary, site-by-site basis.

The FACS Petition notes that in the *Reallocation Order*⁴ in this proceeding, the Commission contingently allocated frequencies in the 1390-1392 MHz and 1430-1432 MHz bands on a primary basis for MSS feeder uplinks and downlinks, respectively, subject to the adoption of an international allocation.⁵ The FACS Petition seeks clarification of the *Service Rules Order* that the service rules adopted for the subject bands may need to be modified, and the licenses granted to terrestrial operators pursuant to the new service rules may need to be appropriately conditioned, to ensure that satellite operations will not suffer harmful interference from terrestrial operations if and when the contingencies attached to the primary MSS allocations are satisfied. Although the Commission has stated that it will address sharing issues between terrestrial and satellite operators in a separate proceeding,⁶ FACS believes that it is important to keep such issues in mind as terrestrial service rules are addressed.

³ Itron Petition at 2.

⁴ Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz and 2385-2390 MHz Government Transfer Bands, ET Docket No. 00-221, *Report and Order and Memorandum Opinion and Order*, 17 FCC Rcd 368, ¶ 52 (2002) (“*Reallocation Order*”).

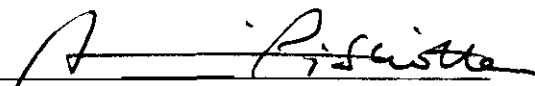
⁵ FACS Petition at 2.

⁶ Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz and 2385-2390 MHz Government Transfer Bands, ET Docket No. 00-221, *Notice of Proposed Rulemaking*, FCC 02-15 (rel. Feb. 6, 2002), 67 Fed. Reg. 7113 (Feb. 15, 2002) at ¶ 77.

Accordingly, FACS urges the Commission to ensure that any resolution of the issues raised by Itron concerning sharing of the 1427-1429.5 and 1429.5-1432 MHz bands among and between terrestrial telemetry operators does not alter or adversely impact the conditional primary allocation granted to NVNG MSS in the same bands.

Respectfully submitted,

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Dated: September 19, 2002

CERTIFICATE OF SERVICE

I, Beatriz Viera-Zaloom, certify that on this 19th day of September, 2002, a true and correct copy of the foregoing Comments of Final Analysis Communication Services, Inc. were served via courier* or First Class Mail on the following persons:

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